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*Attorneys for Defendant/Counter-Plaintiff Martin Tripp***UNITED STATES DISTRICT COURT****DISTRICT OF NEVADA**

TESLA, INC, a Delaware corporation,

Plaintiff,

v.

MARTIN TRIPP, an individual,

Defendant.

AND RELATED COUNTERCLAIM

Case No.: 3:18-cv-00296-LRH-CBC

**STIPULATION AND [PROPOSED]
MODIFICATION TO SCHEDULING
ORDER****(SECOND REQUEST)**

1 Pursuant to Local Rule 26-4, Plaintiff and Counter-Defendant Tesla, Inc. ("Tesla") and
2 Defendant and Counter-Plaintiff Martin Tripp ("Tripp") submit the following Stipulation and
3 Proposed Modification to Scheduling Order. The parties respectfully submit that modification of
4 the scheduling order is warranted to allow for the taking of remaining depositions on dates
5 mutually convenient for the witnesses and counsel. In support of and as good cause for this
6 stipulation, the parties state as follows:

- 7 (a) On August 28, 2018, the Court entered the Discovery Plan and Scheduling Order
8 ("Scheduling Order") (ECF No. 31);
- 9 (b) On August 29, 2018, the parties exchanged initial disclosures pursuant to Federal
10 Rule of Civil Procedure 26(a)(1) and the Scheduling Order;
- 11 (c) On October 1, 2018, the Court held a case management conference, during which
12 the Court noted that the Scheduling Order may need to be extended (ECF No. 42);
- 13 (d) During the discovery period, the parties have exchanged expert reports, requests
14 for documents, interrogatories, and requests for admission as well as responses
15 thereto;
- 16 (e) On December 5, 2018, the Court modified the Scheduling Order pursuant to
17 stipulation of the parties (ECF No. 55);
- 18 (f) Although the parties have been working cooperatively to schedule depositions,
19 finding dates to accommodate counsel and witnesses has been a challenge.
20 Among other things, counsel for Tesla have been unable to locate and serve two
21 third parties identified on Tripp's witness disclosures. In addition, Tripp seeks to
22 depose a Tesla representative on several matters pursuant to Rule 30(b)(6), which
23 will require Tesla to designate three different individuals to be deposed. Tripp
24 also seeks to depose multiple other current and former Tesla employees, one of
25 whom is currently on a leave of absence and is not expected to return until shortly
26 before the discovery cutoff;
- 27 (g) To allow for the taking of remaining depositions and completion of remaining
28 discovery, the parties agree to extend the following deadlines: (i) the discovery

1 cutoff date; (ii) the deadline for dispositive motions; and (iii) the deadline for filing
2 the pretrial order;

3 (h) This is the second request for modification of the Scheduling Order;

4 (i) The parties do not anticipate requesting further modification of the Scheduling
5 Order; and

6 (j) This stipulation complies with Local Rule 26-4 in that it is filed not later than
7 twenty-one (21) days before the subject deadlines.

8 For the foregoing reasons, the parties stipulate and respectfully request that the Scheduling
9 Order be modified as follows:

10 1. **Discovery Cutoff Date:** Discovery shall be extended approximately one-hundred-
11 and-twenty (120) days to July 10, 2019. This is the deadline for completing discovery and means
12 all discovery must be commenced in time to be completed by **July 10, 2019**.

13 2. **Dispositive Motions:** Dispositive motions may be filed no later than **August 9,**
14 **2019**, which is thirty (30) days after the discovery deadline. In the event that the discovery period
15 is extended from the discovery cutoff date set forth herein, the date for filing dispositive motions
16 shall be extended for the same duration, to be no later than thirty (30) days from the subsequent
17 discovery cutoff date.

18 3. **Pretrial Order:** The pretrial order shall be filed by **September 6, 2019**, which is
19 not later than thirty (30) days after the date set for filing dispositive motions. In the event
20 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until
21 thirty (30) days after the decision of the dispositive motions or until further order of the Court. In
22 the further event that the discovery period is extended from the discovery cutoff date set forth
23 herein, the date for filing the joint pretrial order shall be extended in accordance with the period set
24 forth in this paragraph. The disclosures required by Federal Rule of Civil Procedure 26(a)(3), and
25 any objections thereto, shall be included in the pretrial order.

26 4. All other deadlines remain as stated in the Discovery Plan and Scheduling Order
27 previously entered by the Court (ECF Nos. 31 & 55).
28

1 Dated: February 6, 2019

HUESTON HENNIGAN LLP

2 /s/ Allison L. Libeu
3 Allison L. Libeu
4 *Attorneys for Plaintiff Tesla, Inc.*

5 Dated: February 6, 2019

TIFFANY & BOSCO, P.A.

6 /s/ William Fischbach
7 William Fischbach
8 *Attorneys for Defendant Martin Tripp*

9 **ORDER**

10 IT IS SO ORDERED

11 
12 THE HON. CARLA BALDWIN CARRY
13 UNITED STATES MAGISTRATE JUDGE
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15 DATED: 3/6/2019
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